

ORAL ARGUMENT NOT YET SCHEDULED

No. 23-1174 (L), 23-1221

**UNITED STATES COURT OF APPEALS FOR THE DISTRICT
OF COLUMBIA CIRCUIT**

CITY OF PORT ISABEL, *et al.*,*Petitioners,*

v.

FEDERAL ENERGY REGULATORY COMMISSION,

Respondent.

On Petition for Review of Orders of the
Federal Energy Regulatory Commission

**PETITIONERS' JOINT CONSENT MOTION TO EXTEND TIME
TO FILE JOINT APPENDIX, OR FOR LEAVE TO FILE JOINT
APPENDIX OUT OF TIME (NUNC PRO TUNC)**

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Dated March 9, 2024

**CERTIFICATE AS TO PARTIES, RULINGS,
AND RELATED CASES**

A. Parties

1. Petitioners

City of Port Isabel

No Rule 26.1 Corporate Disclosure Statement is required for Petitioner City of Port Isabel, a governmental entity.

The Carrizo Comecrudo Tribe of Texas

The Carrizo Comecrudo Tribe of Texas has no parent companies, and there are no publicly held companies that have a 10 percent or greater ownership interest in the Carrizo Comecrudo Tribe of Texas.

The Carrizo Comecrudo Tribe of Texas, a corporation organized and existing under the laws of the State of Texas, is a nonprofit organization dedicated to maintaining, preserving, and protecting the tribal identity of the Carrizo Comecrudo Tribe of Texas.

Sierra Club

Sierra Club has no parent companies, and there are no publicly held companies that have a 10 percent or greater ownership in it. Sierra Club is a nonprofit corporation organized and existing under the laws of the

State of California, dedicated to the protection and enjoyment of the environment.

Vecinos para el Bienestar de la Comunidad Costera

Vecinos para el Bienestar de la Comunidad Costera (“Vecinos”) has no parent companies, and there are no parent companies that have a 10 percent or greater ownership interest in Vecinos.

Vecinos, an association organized and existing under the laws of the State of Texas, is an unincorporated nonprofit association dedicated to protecting and improving the health, standard of living, and economic development of the coastal community in the Rio Grande Valley of South Texas.

2. Respondent

Federal Energy Regulatory Commission

3. Respondent-Intervenors

Rio Grande LNG, LLC

Rio Bravo Pipeline Company, LLC

B. Rulings Under Review

1. Order on Remand and Amending Section 7 Certificate, *Rio Grande LNG, LLC and Rio Bravo Pipeline Company, LLC*, 183 FERC ¶ 61,046 (Apr. 21, 2023).
2. Order Address Arguments Raised on Rehearing, *Rio Grande LNG, LLC and Rio Bravo Pipeline Company, LLC*, 185 FERC ¶ 61,080 (Oct. 27, 2023).

C. Statement of Related Cases

Pursuant to Circuit Rule 28(a)(1)(C), the undersigned states that some of the issues raised in this case are similar to the issues raised in the following case:

1. *City of Port Isabel, et al. v. FERC*, D.C. Circuit Case Nos. 23-1175 (L) and 23-1222 (concerning Texas LNG Brownsville LLC FERC Dkt. CP16-116). On November 15, 2023, the Court Clerk granted FERC's motion to calendar that case and this one before the same panel. (ECF No. 2027253)

**PETITIONERS' JOINT CONSENT MOTION TO EXTEND TIME
(NUNC PRO TUNC)**

Petitioners Vecinos para el Bienestar de la Comunidad Costera *et al.* (“Vecinos”) move for leave to file the attached Joint Appendix out of time, or to extend the time for the filing of the Joint Appendix to Monday March 11, 2024. Counsel for all other parties (respondent FERC and respondent-intervenors Rio Grande LNG and Rio Bravo) represent that the other parties take no position on this motion.

Petitioners’ counsel worked with counsel for other parties to prepare a draft joint appendix, including circulating a draft for the other parties to review on Thursday, March 7 and incorporating changes requested by the other parties on Friday, March 8. However, petitioners had erroneously calendared the appendix as due on Monday, March 11, and therefore did not file on March 8. When counsel for intervenors notified petitioners of the error on Saturday March 9, petitioners promptly filed the JA, so as to make it available to the other parties immediately, while seeking the other parties’ position on a motion for leave to file out of time. Once the other parties provided their consent, petitioners prepared the instant motion.

A copy of the Joint Appendix—the document petitioners seek leave to file out of time—is attached to this motion. This copy is identical to the one submitted at 12:04 eastern time on March 9, 2024, ECF Doc. #2044251.

For the foregoing reasons, petitioners respectfully request an extension of time to file the attached Joint Appendix, and/or leave to file it out of time, nunc pro tunc.

Dated: March 9, 2024

Respectfully submitted,

/s/ Nathan Matthews

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rules of Appellate Procedure Rule 27(d) and 32(a), I certify that the foregoing motion complies with:

1. the type-volume limitations established by Rule 27(d)(2)(A), because this motion contains 263 words; and
2. the typeface requirements of Rule 32(a)(5) and the type style requirements of Rule 32(a)(6) because it has been prepared in a proportionally spaced typeface (14-point) using Microsoft Word (the same program used to calculate the word count).

/s/ Nathan Matthews

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la Comunidad Costera, and Sierra
Club*

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of March, 2024, I have served the foregoing Joint Opening Brief for Petitioners, including the Addendum thereto, on all registered counsel through the Court's electronic filing system (ECF).

/s/ Nathan Matthews

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